

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH, AT:
HYDERABAD

W.P.No. OF 2009

Between:

1. M/s. Modi Builders, a partnership firm, represented by its partner, Soham Modi, S/o Sathish Modi, aged about 38 years, resident of Soham Mansion, M.G. Road, Secunderabad.

2. Smt. Kaushalya Devi, W/o late Nanu Rao, aged 85 years, resident of Shop No.34 A & B, Methodist Complex, Abids, Hyderabad.

3. Khushpat D. Jain, HUF represented by Khushpat Jain, aged 44 years, Shop No.1, Methodist Complex, Abids, Hyderabad.

4. Jagdish Mulchandani, S/o late Nanak Ram Mulchandani, aged 48 years, Shop No.17,19 & 35, Methodist Complex, Abids, Hyderabad.

..Petitioners

And

1) The Greater Hyderabad Municipal Corporation, represented by its Commissioner, Hyderabad.

2) The Chief City Planner, Greater Hyderabad Municipal Corporation, Hyderabad.

...Respondents

AFFIDAVIT FILED ON BEHALF OF THE PETITIONERS

I, Soham Modi, S/o Sathish Modi, aged 38 years, Partner of the first petitioner firm, resident of Soham Mansion, M.G. Road, Secunderabad, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am one of the partners of the first petitioner firm and as such I am well acquainted with the facts of the case. I am deposing to this affidavit on behalf of other petitioners also as I am authorized to do so.

2. I submit that the popularly known Commercial Building Complex known as Methodist Complex Housed in premises No.5-9-189/190, Abid Road, Chirag Ali Lane, Hyderabad is the property of M/s. Methodist Church of India (successor of Methodist Church in Southern Asia) and the said property was leased out vide registered lease deed dated 19-4-1988 in favour of the first petitioner-partnership. The first petitioner is the lessee of the said Commercial Complex. I submit that the other petitioners herein are the sub-tenants of the first petitioner in respect of

the built up area in the complex where they have been conducting their business in different trade names. I submit that Methodist complex has been a land mark in Abid Road and it has been a noted commercial place for several decades.

3. I submit that the first respondent Corporation appears to be planning for construction of a foot over bridge for the benefit of the people, who cross the road and the proposed foot over bridge is likely to be constructed within a couple of days in the coming week-end days, as the officers of the Corporation have already put certain markings disclosing the exact point at which the stair case for the foot over bridge is to commence and the foot over bridge is to be located. I submit that the petitioners have reliably learnt that the foot over bridge is being planned with the alignment and positioning in such a way that it causes direct obstruction to the Methodist Complex (in other words the complex will become almost invisible, losing its present exposure, view and elevation). I submit that though the respondent-corporation has the authority of law to construct the foot over bridge, it is supposed to act fairly and conform to the principles of natural justice in the manner of calling for objections from the concerned shop owners so that it can get suggestions about the convenient place where the foot over bridge can commence and end. It is now settled law that compliance with the principles of natural justice is expected not only in quasi judicial areas but also in the sphere of administrative decisions. I submit that the respondent-Corporation has not caused any enquiry whatsoever before it has finalized the idea of construction of a foot over bridge by blocking the view and look of the Methodist Complex. I submit that on either side of the road, there is a continuous stream of shops and at a little distance away, there is a vast space on the foot path where the State Bank of Hyderabad, Gunfoundry is located, which can be taken as the commencement for the foot over bridge and the aerial alignment of the bridge can appropriately be planned along with the stair case, which comes down on the side where the Abid's Chermas is located resulting in minimum loss or obstruction of view to the commercial shops. I submit that the respondent-Corporation is proceeding without any consultation/interaction with the affected parties like the petitioners. I submit that it also does not appear that the Corporation had obtained any scientific data about the exact location of the foot over bridge with its upward and downward stair cases keeping in mind the maximum utility of the people who need to cross the road by using foot over bridge. It is relevant to submit here that the usage of

foot over bridges is least in Hyderabad City and it accommodates only persons who sleep on the bridge or persons who do not indulge in any constructive activity. Thus, it is incumbent on the Corporation to have the views of the affected parties like the petitioners before the venture is taken up and completed. I submit that the principle of legitimate expectation warrants that the Corporation should give reasonable opportunity of hearing to the petitioners since they have been conducting their business for decades together and they cannot be allowed to suffer in silence and without exposing their grievances and suggestions about the exact alignment of the foot over bridge. Since the Corporation is likely to take up and complete the work at the earliest point of time, the petitioners are constrained to seek indulgence of this Hon'ble Court.

4. I submit that we have no other alternate remedy except to approach this Honourable Court under Article 226 of the Constitution of India. The petitioners have not approached any court for the same relief, which is sought for in this writ petition.

5. It is necessary that the Honourable Court may be pleased to direct the respondents not to proceed with construction of foot over bridge in front of the Methodist Complex, Gunfoundry, Hyderabad, without giving an opportunity to the petitioners either to object or make suggestions about the location and alignment of the foot over bridge, pending disposal of the writ petition.

6. It is therefore prayed that the Honourable Court may be pleased to issue a writ of Mandamus or any other appropriate writ declaring that the action of the respondent-Corporation in unilaterally proceeding with the construction of foot over bridge in front of Methodist Complex, Gunfoundry, Hyderabad, without giving an opportunity to the petitioners either to object or make suggestions about the location and alignment of the foot over bridge is arbitrary and unfair and consequently, direct the respondent Corporation to give opportunity to the petitioners to raise objections and make suggestions in that context and thereafter proceed with the work of construction of foot over bridge after due consideration

of such objections or suggestions and grant such other relief as it deems fit in the circumstances of the case.

Sworn and signed before me on this the
6th day of February, 2009 at Hyderabad.

Deponent

Advocate, Hyderabad

Verification Statement

I, Soham Modi, S/o Sathish Modi, aged 38 years, Partner of the first petitioner firm, resident of Soham Mansion, M.G. Road, Secunderabad, being the partner of the first petitioner herein, do hereby state that the facts mentioned in paragraphs 1 to 3 are true and correct to the best of my knowledge and belief and the facts mentioned in paragraphs 4 to 6 are true as per legal advice obtained from my counsel and I believe the same to be true and correct. Hence, verified to be true and correct on this the 6th day of February, 2009 at Hyderabad.

Advocate

Deponent

MEMORANDUM OF WRIT PETITION
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT: HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

W.P. No. of 2008

Between:-

And

..Petitioners

... Respondents

The address for service of all notices and other processes on the above named petitioner is that of his counsel M/s Vedula Venkata Ramana, 62/2RT Saidabad Colony Hyderabad – 500 059.

For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Honourable Court may be pleased to and grant such other relief as it deems fit in the circumstances of the case.

Hyderabad,
Dt. -09-2008

Counsel for the Petitioners

MEMORANDUM OF WRIT PETITION, MISC. PETITION
(UNDER SECTION 151 OF C.P.C)
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT: HYDERABAD

W.P.M.P. No. _____ of 2008

in

W.P. No. _____ of 2008

Between: -

And

..Petitioners/Petitioners

... Respondents/Respondents

For the reasons stated in the affidavit filed in support of the main Writ Petition, it is prayed that this Honourable Court may be pleased pending disposal of the writ petition, and grant such other relief as it deems fit in the circumstances of the case.

Hyderabad
Dt. -09-2008

Counsel for the Petitioners

RANGA REDDI : DISTRICT

HIGH COURT : HYDERABAD

W. P.NO. OF 2008

MEMO. OF WRIT PETITION

M/S. VEDULA VENKATARAMANA (1141)

COUNSEL FOR THE PETITIONERS

RANGA REDDI : DISTRICT

HIGH COURT : HYDERABAD

W. P.NO.

OF 2008

MATERIAL PAPERS

M/S. VEDULA VENKATARAMANA (1141)

COUNSEL FOR THE PETITIONERS

DISTRICT : RANGA REDDI

HIGH COURT : HYDERABAD

W.P.M.P. No. OF 2008

in

W.P. No. OF 2008

DIRECTION PETITION

**M/s. VEDULA VENKATARAMANA (1141)
COUNSEL FOR THE PETITIONERS**

H I G H C O U R T
SPECIAL ORIGINAL JURISDICTION
WRIT PETITION

W.P.NO. OF 2008

RANGA REDDI : DISTRICT

(Petitioners)

M/s. VEDULA VENKATARAMANA (1141)

**(NATURE OF APPLICATION
U/Article 226 of the Const. Of India)**

To

PRESENTED ON: 17-09-2008

FILED ON: -09-2008

W.P.M.P.No. OF 2008

H I G H C O U R T

W.P.MISCELLANEOUS PETITION

WPMP.NO. OF 2008

in

W.P .NO. OF 2008

RANGA REDDI : DISTRICT

(Petitioners)

M/s. VEDULA VENKATARAMANA (1141)

**NATURE OF THE APPLICATION
(UNDER SECTION 151 OF C.P.C)**

To and grant such other relief as it
deems fit in the circumstances of the
case.

PRESENTED ON: -09-2008

FILED ON : -09-2008

Writ of Court Orders-order List (Produce and or to appear)
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH:
AT HYDERABAD
(Special Original Jurisdiction)

Day the _____ day of
Two thousand and Eight

Writ Petition No. _____ of 2008

Between: -

And

... Petitioners

... Respondents

... Respondents

Mr. Vedula Venkataramana, Advocate, – upon motion this day made in to this Court by bring of opinion that the record relating to the touching upon all the matters and contentions raised in the memorandum of Representation Petition. A copy of which is annexed here to, together with the decision therein should be called for and pursued : IT IS HEREBY COMMANDER.

(1) That you, the aforesaid Respondent No. _____ do sent for our us in High Court of Judicature of Andhra Pradesh, Hyderabad, all and singular the said record and other with all things touching the same as fully and perfectly as they have been made by you and now remain in your custody or power together with this, Rule Nisi before the day of 2008 and

That you intend to oppose the Petition, you the aforesaid Respondent No. _____ do appear personally OR by Advocate on the _____ day of 2008 at 11-30 a.m. before the Court show cause why this petition should not be complied with and that we may cause further to be done there on what of right and according to law we shall see fit to be done.

WITNESS the Hon'ble _____ Chief Justice of High Court of
Andhra Pradesh at Hyderabad, this _____ day of 2008, The
year Two thousand and Eight

ASSISTANT REGISTRAR.

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH:
HYDERABAD

W.P.NO. OF 2008

Between: -

Petitioner

And

... Respondents

CHECK LIST OF WRIT PETITION

S.No.	Item No.	Page No.	Checking Officer Verification	Remarks
(1)	(2)	(3)	(4)	(5)

ORIGINAL SET:

- 1) Proof of service-----1
- 2) Court Fee Rs.700/-----2
- 3) Writ Petition-----3 -4
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- 5) Affidavit----- 6 - 9
 - (a) Previous progs.
 - (b) Alternative Remedy
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- 8) Material Papers P. Series-----11 -36
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DUPLICATE SET: -

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- 14) Material Papers-----11 -36

MISCELLANEOUS SET:

- 15) Batta Rs. 125 /-
- 16) Rule Nisi.
- 17) Covers with address.
- 18) Copies of ptn & affidavit
- 19) **WRIT MISC. PETITION.**
Petition Rs.10/-
Batta Rs. 125 /-
Notice papers with postal address
Proforma Draft Order.

Signature of Scrutiny Officer	NAME: VEDULA VENKATARAMANA COMPUTER NO. 1141
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FOR OFFICE USE ONLY.
RESPONDENT VAKALAT FILED BY
COUNTER FILED FOR RESP.NO.

SERVICE CERTIFICATE

(PROOF OF SERVICE)

This is to certify that we have served all the papers, i.e. memorandum of writ petition/writ appeal, affidavit and petition, material papers, which are filed along with this writ petition/writ appeal to the other side counsel i.e. the Government Pleader/Standing Counsel today.

Hyderabad
Dt.17 -09-2008

M/s. Vedula Venkataramana
Counsel for the Petitioners

BATTA FORM

COUNSEL FOR THE PETITIONER

BATTA FORM

COUNSEL FOR THE PETITIONER

ADDRESSES OF RESPONDENTS

IN THE HIGH COURT OF JUDICATURE OF ANDHRA
PRADESH: AT HYDERABAD

W.P.NO. OF 2008
Between: -
And ... Petitioners
... Respondents

S. No.	Date	Description	P. No.
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LIST OF EVENTS

ANNEXURE -I

ANNEXURE -II

Article 226 of the Constitution of India 9

HYDERABAD,
DT. 17-09-2008

COUNSEL FOR THE PETITIONERS

HIGH COURT OF ANDHRA PRADESH
RUNNING INDEX

W.P. No.

OF 2008

Between: -

Weaker Sections Welfare Association (Regd.No.2447), and others

... Petitioners

And

The State of Andhra Pradesh, rep. by its Secretary (Assignment)
Department, Secretariat, Hyderabad, and others

... Respondents

S. No.	Description of the Documents	Date of Paper	Date of Filing	Page Nos.
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2.	Court Fees			2
3.	Memo of W.P.			3-4
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Hyderabad

Dt.17-09-2008

M/s. Vedula Venkataramana

Counsel for the Petitioners

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT: HYDERABAD

Between:- W.P. No. of 2008

... Petitioners

And

... Respondents

To

For the Petitioners : Mr. Vedula Venkataramana (1141)

For the Respondents

1. The State of Andhra Pradesh, rep. by its Secretary (Assignment)
Department, Secretariat, Hyderabad,
2. The District Collector, Ranga Reddy District at Hyderabad
3. The Joint Collector, Ranga Reddy District, at Hyderabad
4. The Revenue Divisional Officer, Hyderabad East, Goshamahal,
Hyderabad,
5. The Tahsildar, Hayathnagar Mandal, Ranga Reddy District.

1. The State of Andhra Pradesh, rep. by its Secretary (Assignment)
Department, Secretariat, Hyderabad,
2. The District Collector, Ranga Reddy District at Hyderabad
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Hyderabad,
5. The Tahsildar, Hayathnagar Mandal, Ranga Reddy District.